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Sheriff Joshua Mayfield  
9

10 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
11

12 JOSEPH P. CUVIELLO and DENIZ  
13 BOLBOL, individually,

14 Plaintiffs,

15 v.

16 ROWELL RANCH RODEO, INC.;  
HAYWARD AREA RECREATION AND  
17 PARK DISTRICT; HAYWARD AREA  
RECREATION AND PARK DISTRICT  
18 PUBLIC SAFETY MANAGER/RANGER  
KEVIN HART; ALAMEDA COUNTY  
19 SHERIFF'S OFFICE; ALAMEDA COUNTY  
DEPUTY SHERIFF JOSHUA MAYFIELD;  
20 and DOES 1 and 2, in their individual and  
official capacities, jointly and severally,  
21

Defendants.  
22

Case No. 3:23-cv-01652-VC

**DEFENDANTS COUNTY OF  
ALAMEDA AND ALAMEDA COUNTY  
DEPUTY SHERIFF JOSHUA  
MAYFIELD'S ANSWER TO SECOND  
VERIFIED AMENDED COMPLAINT  
FOR INJUNCTIVE AND  
DECLARATORY RELIEF AND  
DAMAGES**

**DEMAND FOR JURY TRIAL**

Action Filed: April 6, 2023

23  
24 Defendants COUNTY OF ALAMEDA ("County") and ALAMEDA COUNTY DEPUTY  
25 SHERIFF JOSHUA MAYFIELD ("Deputy Mayfield") (collectively "defendants"), in answer to  
26 the Second Amended Complaint on file herein, and each cause of action thereof, admit, deny, and  
27 allege as follows:  
28

**GENERAL DENIAL**

Except as expressly admitted herein, defendants deny each and every allegation in the Complaint.

**JURISDICTION AND VENUE**

1. Defendants deny the allegation that pertain to the County and Deputy Mayfield. Defendants have insufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 1 as they pertain to other parties, and on that basis deny each and every allegation contained therein. The allegations of Paragraph 1 also contain conclusions of law to which no response is required.

2. The allegations of Paragraph 2 contain conclusions of law to which no response is required.

3. The allegations of Paragraph 1 contain conclusions of law to which no response is required.

4. Defendants have insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 4, and on that basis deny each and every allegation contained therein. The allegations of Paragraph 1 also contain conclusions of law to which no response is required.

5. Defendants admit the allegations of Paragraph 5 as they pertain to the County and Deputy Mayfield.

**PARTIES AND PROCEDURE**

6. Defendants have insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 6, and on that basis deny each and every allegation contained therein.

7. Defendants have insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 7, and on that basis deny each and every allegation contained therein.

8. Defendants have insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 8, and on that basis deny each and every allegation contained therein.

9. Defendants have insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 9, and on that basis deny each and every allegation contained therein.

10. Defendants admit that the County of Alameda is a public entity. Further, the allegations of Paragraph 10 contain conclusions of law to which no response is required.

11. Defendants admit that defendant Deputy Sheriff Joshua Mayfield, Badge No. 2336, is an employee of the County of Alameda's Sheriff's Department. Further, the allegations of Paragraph 11 contain conclusions of law to which no response is required.

12. Defendants have insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 12, and on that basis deny each and every allegation contained therein.

13. Defendants have insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 13, and on that basis deny each and every allegation contained therein. Further, the allegations of Paragraph 13 contain conclusions of law to which no response is required.

14. Defendants admit that defendant Deputy Sheriff Joshua Mayfield, is an employee of the County of Alameda's Sheriff's Department. Defendants have insufficient knowledge or information to form a belief as to the truth of the other allegations contained in Paragraph 14, and on that basis deny each and every allegation contained therein. Further, the allegations of Paragraph 14 contain conclusions of law to which no response is required.

## LEGAL FRAMEWORK

## California Law

15. The allegations of Paragraph 15 contain conclusions of law to which no response is required.

16. The allegations of Paragraph 16 contain conclusions of law to which no response is required.

17. The allegations of Paragraph 17 contain conclusions of law to which no response is required.

18. The allegations of Paragraph 18 contain conclusions of law to which no response is required.

19. The allegations of Paragraph 19 contain conclusions of law to which no response is required.

20. The allegations of Paragraph 20 contain conclusions of law to which no response is required.

21. The allegations of Paragraph 21 contain conclusions of law to which no response is required.

22. The allegations of Paragraph 22 contain conclusions of law to which no response is required.

***Federal Law***

23. The allegations of Paragraph 23 contain conclusions of law to which no response is required.

24. The allegations of Paragraph 24 contain conclusions of law to which no response is required.

25. The allegations of Paragraph 25 contain conclusions of law to which no response is required.

26. The allegations of Paragraph 26 contain conclusions of law to which no response is required.

## FACTUAL ALLEGATIONS

27. In response to Paragraph 27, defendants repeat and reiterate their responses to paragraphs 1 through 84.

1           28. Defendants have insufficient knowledge or information to form a belief as to the  
2 truth of the allegations contained in Paragraph 28, and on that basis deny each and every  
3 allegation contained therein.

4           29. Defendants have insufficient knowledge or information to form a belief as to the  
5 truth of the allegations contained in Paragraph 29, and on that basis deny each and every  
6 allegation contained therein.

7           30. Defendants have insufficient knowledge or information to form a belief as to the  
8 truth of the allegations contained in Paragraph 30, and on that basis deny each and every  
9 allegation contained therein.

10          31. Defendants have insufficient knowledge or information to form a belief as to the  
11 truth of the allegations contained in Paragraph 31, and on that basis deny each and every  
12 allegation contained therein.

13          32. Defendants have insufficient knowledge or information to form a belief as to the  
14 truth of the allegations contained in Paragraph 32, and on that basis deny each and every  
15 allegation contained therein.

16          33. Defendants have insufficient knowledge or information to form a belief as to the  
17 truth of the allegations contained in Paragraph 33, and on that basis deny each and every  
18 allegation contained therein.

19          34. Defendants have insufficient knowledge or information to form a belief as to the  
20 truth of the allegations contained in Paragraph 34, and on that basis deny each and every  
21 allegation contained therein.

22          35. Defendants have insufficient knowledge or information to form a belief as to the  
23 truth of the allegations contained in Paragraph 35, and on that basis deny each and every  
24 allegation contained therein.

25          36. Defendants have insufficient knowledge or information to form a belief as to the  
26 truth of the allegations contained in Paragraph 36, and on that basis deny each and every  
27 allegation contained therein.

37. Defendants have insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 37, and on that basis deny each and every allegation contained therein.

38. Defendants have insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 38, and on that basis deny each and every allegation contained therein.

### *Events of May 20, 2022*

39. Defendants have insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 39, and on that basis deny each and every allegation contained therein.

40. Defendants have insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 40, and on that basis deny each and every allegation contained therein.

41. Defendants admit that Deputy Mayfield was working in uniform at the Rowell Ranch Rodeo on May 20, 2022, and that he hugged a woman affiliated with rodeo. Defendants have insufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 41, and on that basis deny each and every allegation contained therein.

42. Defendants have insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 45, and on that basis deny each and every allegation contained therein.

43. Defendants admit the allegations as they pertain to Deputy Mayfield. Defendants are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 43, and on that basis deny each and every allegation contained therein.

44. Defendants deny the allegations as they pertain to Deputy Mayfield. Defendants are without sufficient knowledge or information to form a belief as to the truth of the remaining

1 allegations contained in Paragraph 44, and on that basis deny each and every allegation contained  
2 therein. Further, the allegations of Paragraph 44 contain conclusions of law to which no response  
3 is required.

4 45. Defendants have insufficient knowledge or information to form a belief as to the  
5 truth of the allegations contained in Paragraph 45, and on that basis deny each and every  
6 allegation contained therein.

7 46. Defendants admit that Deputy Mayfield stated that plaintiffs could be arrested and  
8 that he did not have to tell plaintiffs if he would arrest them. Defendants deny the remaining  
9 allegations as they pertain to Deputy Mayfield. Defendants have insufficient knowledge or  
10 information to form a belief as to the truth of the remaining allegations contained in Paragraph 46  
11 as they pertain to other parties, and on that basis deny each and every allegation contained  
12 therein.

13 47. Defendants have insufficient knowledge or information to form a belief as to the  
14 truth of the allegations contained in Paragraph 47, and on that basis deny each and every  
15 allegation contained therein.

16 48. Defendants have insufficient knowledge or information to form a belief as to the  
17 truth of the allegations contained in Paragraph 48, and on that basis deny each and every  
18 allegation contained therein.

19 49. Defendants have insufficient knowledge or information to form a belief as to the  
20 truth of the allegations contained in Paragraph 49, and on that basis deny each and every  
21 allegation contained therein.

22 50. Defendants admit Deputy Mayfield used his cell phone. Defendants have  
23 insufficient knowledge or information to form a belief as to the truth of the remaining allegations  
24 contained in Paragraph 50, and on that basis deny each and every allegation contained therein.

25 51. Defendants admit that Deputy Mayfield told plaintiffs to stay out of the  
26 path/walkway and not block ingress and egress. Defendants have insufficient knowledge or  
27

1 information to form a belief as to the truth of the remaining allegations contained in Paragraph 51,  
2 and on that basis deny each and every allegation contained therein.

3 52. Defendants admit that Deputy Mayfield told protestors to stay out of the  
4 path/walkway and not block ingress and egress. Defendants deny the remaining allegations  
5 pertaining to Deputy Mayfield. Defendants have insufficient knowledge or information to form a  
6 belief as to the truth of the remaining allegations contained in Paragraph 52 as they pertain to  
7 other parties, and on that basis deny each and every allegation contained therein.

8 53. Defendants have insufficient knowledge or information to form a belief as to the  
9 truth of the allegations contained in Paragraph 53, and on that basis deny each and every  
10 allegation contained therein.

11 54. Defendants have insufficient knowledge or information to form a belief as to the  
12 truth of the allegations contained in Paragraph 54, and on that basis deny each and every  
13 allegation contained therein.

14 55. Defendants admit that Deputy Mayfield told plaintiffs to stay out of the  
15 path/walkway and not block ingress and egress. Defendants deny the remaining allegations  
16 pertaining to Deputy Mayfield. Defendants have insufficient knowledge or information to form a  
17 belief as to the truth of the remaining allegations contained in Paragraph 55 as they pertain to  
18 other parties, and on that basis deny each and every allegation contained therein.

19 56. Defendants admit that Deputy Mayfield told plaintiffs to stay out of the  
20 path/walkway and not block ingress and egress. Defendants deny the remaining allegations  
21 pertaining to Deputy Mayfield. Defendants have insufficient knowledge or information to form a  
22 belief as to the truth of the remaining allegations contained in Paragraph 56 as they pertain to  
23 other parties, and on that basis deny each and every allegation contained therein.

24 57. Defendants admit that Deputy Mayfield told plaintiffs to stay out of the  
25 path/walkway and not block ingress and egress. Defendants deny the remaining allegations  
26 pertaining to Deputy Mayfield. Defendants have insufficient knowledge or information to form a  
27



1 belief as to the truth of the remaining allegations contained in Paragraph 57 as they pertain to  
 2 other parties, and on that basis deny each and every allegation contained therein.

3 58. Defendants admit that Deputy Mayfield told plaintiffs to stay out of the  
 4 path/walkway, not block ingress and egress, and not to block the bathroom. Defendants deny the  
 5 remaining allegations pertaining to Deputy Mayfield. Defendants have insufficient knowledge or  
 6 information to form a belief as to the truth of the remaining allegations contained in Paragraph 58  
 7 as they pertain to other parties, and on that basis deny each and every allegation contained  
 8 therein.

9 59. Defendants admit that Deputy Mayfield told plaintiff that patrons had to divert  
 10 around the protestors. Defendants have insufficient knowledge or information to form a belief as  
 11 to the truth of the remaining allegations contained in Paragraph 59 as they pertain to other parties,  
 12 and on that basis deny each and every allegation contained therein.

13 60. Defendants deny the allegations that pertain to Deputy Mayfield. Defendants have  
 14 insufficient knowledge or information to form a belief as to the truth of the remaining allegations  
 15 contained in Paragraph 60, and on that basis deny each and every allegation contained therein.

16 61. Defendants have insufficient knowledge or information to form a belief as to the  
 17 truth of the allegations contained in Paragraph 61, and on that basis deny each and every  
 18 allegation contained therein.

19 62. Defendants have insufficient knowledge or information to form a belief as to the  
 20 truth of the allegations contained in Paragraph 62, and on that basis deny each and every  
 21 allegation contained therein.

22 ***Events of May 21, 2022***

23 63. Defendants have insufficient knowledge or information to form a belief as to the  
 24 truth of the allegations contained in Paragraph 63, and on that basis deny each and every  
 25 allegation contained therein.

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64. Defendants have insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 64, and on that basis deny each and every allegation contained therein.

65. Defendants have insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 65, and on that basis deny each and every allegation contained therein.

66. Defendants have insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 66, and on that basis deny each and every allegation contained therein.

67. Defendants have insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 67, and on that basis deny each and every allegation contained therein.

***Plaintiffs' Constitutional Rights***

68. Defendants have insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 68, and on that basis deny each and every allegation contained therein.

69. Defendants have insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 69, and on that basis deny each and every allegation contained therein. Further, the allegations of Paragraph 69 contain conclusions of law to which no response is required.

70. Defendants have insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 70, and on that basis deny each and every allegation contained therein. Further, the allegations of Paragraph 70 contain conclusions of law to which no response is required.

71. Defendants deny the allegations that pertain to the County and Deputy Mayfield. Defendants have insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 71, and on that basis deny each and every allegation contained

1 therein. Further, the allegations of Paragraph 71 contain conclusions of law to which no response  
2 is required.

3 72. Defendants deny the allegations that pertain to the County and Deputy Mayfield.  
4 Defendants have insufficient knowledge or information to form a belief as to the truth of the  
5 allegations contained in Paragraph 72, and on that basis deny each and every allegation contained  
6 therein. Further, the allegations of Paragraph 72 contain conclusions of law to which no response  
7 is required.

8 73. Defendants deny the allegations that pertain to the County and Deputy Mayfield.  
9 Defendants have insufficient knowledge or information to form a belief as to the truth of the  
10 allegations contained in Paragraph 73, and on that basis deny each and every allegation contained  
11 therein. Further, the allegations of Paragraph 73 contain conclusions of law to which no response  
12 is required.

13 74. Defendants deny the allegations that pertain to the County and Deputy Mayfield.  
14 Defendants have insufficient knowledge or information to form a belief as to the truth of the  
15 allegations contained in Paragraph 74, and on that basis deny each and every allegation contained  
16 therein. Further, the allegations of Paragraph 74 contain conclusions of law to which no response  
17 is required.

18 75. Defendants deny the allegations that pertain to the County and Deputy Mayfield.  
19 Defendants have insufficient knowledge or information to form a belief as to the truth of the  
20 allegations contained in Paragraph 75, and on that basis deny each and every allegation contained  
21 therein. Further, the allegations of Paragraph 75 contain conclusions of law to which no response  
22 is required.

23 76. Defendants deny the allegations that pertain to the County and Deputy Mayfield.  
24 Defendants have insufficient knowledge or information to form a belief as to the truth of the  
25 allegations contained in Paragraph 76, and on that basis deny each and every allegation contained  
26 therein. Further, the allegations of Paragraph 76 contain conclusions of law to which no response  
27 is required.

77. Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 77, and on that basis deny each and every allegation contained therein. Further, the allegations of Paragraph 77 contain conclusions of law to which no response is required.

### **FIRST CAUSE OF ACTION**

#### **Assault**

#### **(Plaintiff Joseph CuvIELLO Against Doe Defendant 1 and Plaintiff Deniz Bolbol Against Doe Defendant 2)**

78. In response to Paragraph 78, defendants repeat and reiterate their responses to Paragraphs 1 through 77.

79. The allegations of Paragraph 79 contain conclusions of law to which no response is required.

80. Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 80, and on that basis deny each and every allegation contained therein.

81. Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 81, and on that basis deny each and every allegation contained therein.

82. Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 82, and on that basis deny each and every allegation contained therein.

83. Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 83, and on that basis deny each and every allegation contained therein.

84. Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 84, and on that basis deny each and every allegation contained therein.

**SECOND CAUSE OF ACTION**

**Battery**

**(Plaintiff Joseph CuvIELlo Against Doe Defendant 1 and**

**Plaintiff Deniz Bolbol Against Doe Defendant 2)**

85. In response to Paragraph 85, defendants repeat and reiterate their responses to paragraphs 1 through 84.

86. The allegations of Paragraph 86 contain conclusions of law to which no response is required.

87. Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 87, and on that basis deny each and every allegation contained therein.

88. Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 88, and on that basis deny each and every allegation contained therein.

89. Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 89, and on that basis deny each and every allegation contained therein.

90. Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 90, and on that basis deny each and every allegation contained therein.

91. Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 91, and on that basis deny each and every allegation contained therein.

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**THIRD CAUSE OF ACTION**

**Violation of California Civil Code, section 52.1(c)**

**Injunctive and Declaratory Relief)**

**(All Plaintiffs Against all Defendants)**

92. In response to Paragraph 92, defendants repeat and reiterate their responses to paragraphs 1 through 91.

93. The allegations of Paragraph 93 contain conclusions of law to which no response is required.

94. Defendants deny the allegations of Paragraph 94 as they pertain to Deputy Mayfield. Defendants have insufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 94 as they pertain to other parties, and on that basis deny each and every allegation contained therein. Further, the allegations of Paragraph 94 contain conclusions of law to which no response is required.

95. Defendants deny the allegations of Paragraph 95 as they pertain to Deputy Mayfield. Defendants have insufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 95 as they pertain to other parties, and on that basis deny each and every allegation contained therein.

96. Defendants have insufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 96 and on that basis deny each and every allegation contained therein.

97. Defendants have insufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 97 and on that basis deny each and every allegation contained therein.

98. Defendants have insufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 98 and on that basis deny each and every allegation contained therein.

1           99. Defendants admit that Deputy Mayfield told plaintiffs to stay out of the  
2 path/walkway and not block ingress and egress. Defendants deny the remaining allegations of  
3 Paragraph 99 as they pertain to Deputy Mayfield. Defendants have insufficient knowledge or  
4 information to form a belief as to the truth of the remaining allegations contained in Paragraph 99  
5 as they pertain to other parties, and on that basis deny each and every allegation contained  
6 therein.

7           100. Defendants have insufficient knowledge or information to form a belief as to the  
8 truth of the remaining allegations contained in Paragraph 100 and on that basis deny each and  
9 every allegation contained therein.

10           101. Defendants have insufficient knowledge or information to form a belief as to the  
11 truth of the remaining allegations contained in Paragraph 101 and on that basis deny each and  
12 every allegation contained therein.

13           102. Defendants deny the allegations of Paragraph 102 as they pertain to the County  
14 and Deputy Mayfield. Defendants have insufficient knowledge or information to form a belief as  
15 to the truth of the remaining allegations contained in Paragraph 102 as they pertain to other  
16 parties, and on that basis deny each and every allegation contained therein. Further, the  
17 allegations of Paragraph 102 contain conclusions of law to which no response is required.

18           103. Defendants deny the allegations of Paragraph 103 as they pertain to the County  
19 and Deputy Mayfield. Defendants have insufficient knowledge or information to form a belief as  
20 to the truth of the remaining allegations contained in Paragraph 103 as they pertain to other  
21 parties, and on that basis deny each and every allegation contained therein. Further, the  
22 allegations of Paragraph 103 contain conclusions of law to which no response is required.

23           104. The allegations of Paragraph 104 contain conclusions of law to which no response  
24 is required.

25           105. Defendants have insufficient knowledge or information to form a belief as to the  
26 truth of the remaining allegations contained in Paragraph 105 and on that basis deny each and  
27 every allegation contained therein.

106. The allegations of Paragraph 106 contain conclusions of law to which no response is required.

**FOURTH CAUSE OF ACTION**

**Violation of California Civil Code, section 51.7**

**Injunctive Relief under Code of Civil Procedure, section 526**

**(All Plaintiffs Against Doe Defendant 1)**

107. In response to Paragraph 107, defendants repeat and reiterate their responses to paragraphs 1 through 106.

108. The allegations of Paragraph 108 contain conclusions of law to which no response is required.

109. The allegations of Paragraph 109 contain conclusions of law to which no response is required.

110. Defendants have insufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 110 and on that basis deny each and every allegation contained therein.

111. Defendants have insufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 111 and on that basis deny each and every allegation contained therein.

112. Defendants have insufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 112 and on that basis deny each and every allegation contained therein.

113. Defendants have insufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 113 and on that basis deny each and every allegation contained therein.

114. Defendants have insufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 114 and on that basis deny each and every allegation contained therein.



115. Defendants have insufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 115 and on that basis deny each and every allegation contained therein.

116. Defendants have insufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 116 and on that basis deny each and every allegation contained therein.

117. Defendants have insufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 117 and on that basis deny each and every allegation contained therein.

118. Defendants have insufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 118 and on that basis deny each and every allegation contained therein.

**FIFTH CAUSE OF ACTION**

**Violation of Article I, Section 2(a) of the California State Constitution**

**Injunctive Relief under California Civil Code, section 52.1**

**& Code of Civil Procedure, section 526**

**(All Plaintiffs Against All Defendants)**

119. In response to Paragraph 119, defendants repeat and reiterate their responses to paragraphs 1 through 118.

120. The allegations of Paragraph 120 contain conclusions of law to which no response is required.

121. The allegations of Paragraph 121 contain conclusions of law to which no response is required.

122. Defendants deny the allegations of Paragraph 122 as they pertain to the County and Deputy Mayfield. Defendants have insufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 122 as they pertain to other parties, and on that basis deny each and every allegation contained therein.

123. Defendants have insufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 123 and on that basis deny each and every allegation contained therein.

124. Defendants have insufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 124 and on that basis deny each and every allegation contained therein.

125. Defendants deny the allegations of Paragraph 125 as they pertain to the County and Deputy Mayfield. Defendants have insufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 122 as they pertain to other parties, and on that basis deny each and every allegation contained therein.

126. Defendants have insufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 126 and on that basis deny each and every allegation contained therein.

127. Defendants have insufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 127 and on that basis deny each and every allegation contained therein.

### **SIXTH CAUSE OF ACTION**

**Violation of First Amendment, as applied to the states under the Fourteenth Amendment**

**Injunctive Relief under 42 U.S.C. § 1983**

**Declaratory Relief under 28 U.S.C. § 2201(a)**

**(All Plaintiffs Against Defendants Rowell Ranch Rodeo, Inc.,**

**Deputy Mayfield, Hard, and Hart)**

128. In response to Paragraph 128, defendants repeat and reiterate their responses to paragraphs 1 through 127.

129. The allegations of Paragraph 129 contain conclusions of law to which no response is required.

1           130. The allegations of Paragraph 130 contain conclusions of law to which no response  
2 is required.

3           131. Defendants have insufficient knowledge or information to form a belief as to the  
4 truth of the remaining allegations contained in Paragraph 131 and on that basis deny each and  
5 every allegation contained therein.

6           132. Defendants have insufficient knowledge or information to form a belief as to the  
7 truth of the remaining allegations contained in Paragraph 132 and on that basis deny each and  
8 every allegation contained therein.

9           133. Defendants admit that defendant Deputy Sheriff Joshua Mayfield, is an employee  
10 of the County of Alameda's Sheriff's Department. Further, the allegations of Paragraph 10  
11 contain conclusions of law to which no response is required.

12           134. Defendants have insufficient knowledge or information to form a belief as to the  
13 truth of the remaining allegations contained in Paragraph 134 and on that basis deny each and  
14 every allegation contained therein.

15           135. Defendants deny the allegations of Paragraph 135 as they pertain to Deputy  
16 Mayfield. Defendants have insufficient knowledge or information to form a belief as to the truth  
17 of the remaining allegations contained in Paragraph 135 as they pertain to other parties, and on  
18 that basis deny each and every allegation contained therein.

19           136. Defendants deny the allegations of Paragraph 136 as they pertain to Deputy  
20 Mayfield. Defendants have insufficient knowledge or information to form a belief as to the truth  
21 of the remaining allegations contained in Paragraph 136 as they pertain to other parties, and on  
22 that basis deny each and every allegation contained therein.

23           137. Defendants have insufficient knowledge or information to form a belief as to the  
24 truth of the remaining allegations contained in Paragraph 137 as they pertain to other parties, and  
25 on that basis deny each and every allegation contained therein.

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138. Defendants have insufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 138 as they pertain to other parties, and on that basis deny each and every allegation contained therein.

139. Defendants have insufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 139 as they pertain to other parties, and on that basis deny each and every allegation contained therein.

### **PRAYER FOR RELIEF**

The paragraphs addressing relief requested by plaintiffs on page 25, line 4 to page 26, line 14, do not contain any allegations of material fact but rather allege legal conclusions that do not require a response. However, to the extent that statements on page 25, line 4 to page 26, line 14, do require a response, defendants deny each and every allegation contained therein, and deny that plaintiffs are entitled to any relief whatsoever.

### **AFFIRMATIVE DEFENSES**

1. AS AND FOR A FIRST, SEPARATE AND AFFIRMATIVE DEFENSE TO SAID COMPLAINT, these answering defendants allege that the complaint and the causes of action therein fail to state facts sufficient to constitute a cause of action against these answering defendants.

2. AS AND FOR A SECOND, SEPARATE AND AFFIRMATIVE DEFENSE TO SAID COMPLAINT, these answering defendants allege that plaintiffs lack standing to sue these answering defendants because plaintiffs have not suffered any damages or harm by reason of the conduct alleged against them.

3. AS AND FOR A THIRD, SEPARATE AND AFFIRMATIVE DEFENSE TO SAID COMPLAINT, these answering defendants allege that plaintiffs' claims are barred by the failure to joint necessary or indispensable parties.

4. AS A FOURTH, SEPARATE AND AFFIRMATIVE DEFENSE TO THE COMPLAINT, these answering defendants allege that the sole and/or partial proximate cause of the incident and of plaintiffs' alleged damages and harm was due to the negligence, strict liability,

1 fault, intentional conduct and/or fraud of other persons, entities, parties, and non-parties, for  
 2 whose conduct these answering defendants are not responsible. These answering defendants  
 3 request that the trier of fact apportion comparative fault among those responsible persons, entities,  
 4 and parties under the doctrine of comparative negligence or comparative fault and/or based upon  
 5 the doctrine of equitable indemnity and contribution and pursuant to Civil Code § 1431.2.

6 5. AS AND FOR A FIFTH, SEPARATE AND AFFIRMATIVE DEFENSE TO  
 7 SAID COMPLAINT, these answering defendants allege that plaintiffs failed to mitigate damages  
 8 which they contend they suffered and are therefore barred from recovery.

9 6. AS AND FOR A SIXTH, SEPARATE AND AFFIRMATIVE DEFENSE TO  
 10 SAID COMPLAINT, these answering defendants allege the complaint is barred by reason of the  
 11 conduct, actions, and inactions of plaintiffs, which amount to a waiver of any right plaintiffs may  
 12 or might have had in reference to the allegations of the complaint, or that otherwise estop  
 13 plaintiffs from recovery in this action, including but not limited to the doctrines of waiver, laches,  
 14 and unclean hands.

15 7. AS AND FOR AN SEVENTH, SEPARATE AND AFFIRMATIVE DEFENSE  
 16 TO SAID COMPLAINT, these answering defendants allege that the statements complained of in  
 17 plaintiffs' complaint were made by defendants in good faith, honestly, and not maliciously.

18 8. AS AND FOR AN EIGHTH, SEPARATE AND AFFIRMATIVE DEFENSE TO  
 19 SAID COMPLAINT, these answering defendants allege that the complaint and the causes of  
 20 action therein are stricken for failure to comply with the Government Tort Claims Act, to wit, by  
 21 the provisions of §§ 905 et seq., including but not limited to, § 910, 911.2, 911.3, 945.4, 945.5,  
 22 945.6, and 950.2 of the Government Code of the State of California, including but not limited to  
 23 the fact that plaintiffs failed to file a government claim; plaintiffs failed to timely file the  
 24 government claim; and the allegations and claims of plaintiffs' complaint exceed the scope of the  
 25 public entity claims filed with this answering defendant.

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1           9.       AS AND FOR A NINTH, SEPARATE AND AFFIRMATIVE DEFENSE TO  
2 SAID COMPLAINT, these answering defendants allege that they are immune from liability  
3 under California Government Code § 820.2 (exercise of discretion by public employee).

4           10.      AS AND FOR A TENTH, SEPARATE AND AFFIRMATIVE DEFENSE TO  
5 SAID COMPLAINT, these answering defendants allege that they are immune from liability  
6 under California Government Code § 820.4 (execution of enforcement of law by public  
7 employee).

8           11.      AS AND FOR A ELEVENTH, SEPARATE AND AFFIRMATIVE DEFENSE  
9 TO SAID COMPLAINT, these answering defendants allege that they are immune from liability  
10 under California Government Code § 820.6. (good faith act under apparent authority of  
11 unconstitutional enactment).

12          12.      AS AND FOR A TWELFTH, SEPARATE AND AFFIRMATIVE DEFENSE TO  
13 SAID COMPLAINT, these answering defendants allege that they are immune from liability  
14 under California Government Code § 820.8 (public employee not liable for act or omission of  
15 another person).

16          13.      AS AND FOR A THIRTEENTH, SEPARATE AND AFFIRMATIVE DEFENSE  
17 TO SAID COMPLAINT, these answering defendants allege that they are immune from liability  
18 under California Government Code §§ 821 (public employee not liable for failure to enforce an  
19 enactment<sup>0</sup> and 821.6 (public employee not liable for instituting or prosecuting judicial or  
20 administrative proceeding).

21          14.      AS AND FOR A FOURTEENTH, SEPARATE AND AFFIRMATIVE DEFENSE  
22 TO SAID COMPLAINT, these answering defendants allege that they are immune from liability  
23 under California Government Code § 818.82 (public entity employee not liable for  
24 misrepresentation by public employee) and California Government Code § 822.2 (public  
25 employee not liable for misrepresentation).

26          15.      AS AND FOR A FIFTEENTH, SEPARATE AND AFFIRMATIVE DEFENSE  
27 TO SAID COMPLAINT, these answering defendants allege they are immune from liability under  
28

1 California Government Code § 820.8 in that the injuries alleged by plaintiffs were caused by the  
 2 acts or omissions of other person(s).

3 16. AS AND FOR A SIXTEENTH, SEPARATE AND AFFIRMATIVE DEFENSE  
 4 TO SAID COMPLAINT, these answering defendants allege that they are immune from liability  
 5 under California Government Code § 815 (no public entity liability except where provided by  
 6 statute).

7 17. AS AND FOR A SEVENTEENTH, SEPARATE AND AFFIRMATIVE  
 8 DEFENSE TO SAID COMPLAINT, these answering defendants allege that pursuant to  
 9 Government Code §815.2(a) and (b), they are not liable for the damages, if any, alleged in the  
 10 complaint in that a public entity is not liable for any injury resulting from an act or omission of  
 11 any employee of the public entity where the employee is immune from liability.

12 18. AS AND FOR AN EIGHTEENTH, SEPARATE AND AFFIRMATIVE  
 13 DEFENSE TO SAID COMPLAINT, these answering defendants allege that this lawsuit is  
 14 barred, in whole or in part, by the doctrine of qualified immunity because, among other reasons,  
 15 these answering defendants acted in good faith and with an honest and reasonable belief that their  
 16 actions were lawful, necessary and appropriate, and/or defendants did not violate a clearly  
 17 established statutory or constitutional right of which a reasonable person would have known. At  
 18 all relevant times, defendants acted within the scope of discretion and with due care, in good faith  
 19 fulfillment of responsibilities pursuant to applicable statutes, rules, and regulations, within the  
 20 bounds of reason and with a good faith belief that their actions comported with all state and  
 21 federal laws, including the state and federal constitutions. Further, defendant Joshua Mayfield  
 22 was a duly qualified, appointed, and acting law enforcement officer employed by the Sheriff's  
 23 Department of defendant County of Alameda and at all relevant times was engaged in the  
 24 performance of his regularly assigned duties within the scope of his employment as a law  
 25 enforcement officer.

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1           19.     AS AND FOR A NINETEENTH, SEPARATE AND AFFIRMATIVE DEFENSE  
2 TO SAID COMPLAINT, these answering defendants assert that under the Eleventh Amendment  
3 to the United States Constitution, they are absolutely immune from liability for plaintiffs' claims.

4           20.     AS AND FOR A TWENTIETH, SEPARATE AND AFFIRMATIVE DEFENSE  
5 TO SAID COMPLAINT, these answering defendants assert that if a wrongful action did occur, it  
6 was not pursuant to custom, policy, practice or usage of the public entity.

7           21.     AS AND FOR A TWENTY-FIRST, SEPARATE AND AFFIRMATIVE  
8 DEFENSE TO SAID COMPLAINT, these answering defendants assert that the acts that plaintiffs  
9 alleged to have occurred did not violate plaintiffs' constitutional rights.

10          22.     AS AND FOR A TWENTY-SECOND, SEPARATE AND AFFIRMATIVE  
11 DEFENSE TO SAID COMPLAINT, these answering defendants allege that plaintiffs' complaint,  
12 to the extent it seeks exemplary or punitive damages, including but not limited to by way of fines  
13 or other civil penalties, is barred as a matter of law and California Government Code § 818.

14          23.     AS AND FOR A TWENTY-THIRD, SEPARATE AND AFFIRMATIVE  
15 DEFENSE TO SAID COMPLAINT, these answering defendants allege that plaintiffs' complaint  
16 violates defendants' right to procedural due process under the Fourteenth Amendment of the  
17 United States Constitution, and the Constitution of the State of California, and the purported  
18 claim for punitive or exemplary damages is therefore barred.

19          24.     AS AND FOR A TWENTY-FOURTH, SEPARATE AND AFFIRMATIVE  
20 DEFENSE TO SAID COMPLAINT, these answering defendants allege that to the extent the  
21 complaint seeks exemplary or punitive damages, the complaint violates defendants' right to  
22 substantive due process as provided in the Fifth and Fourteenth Amendments of the United States  
23 Constitution, and the Constitution of the State of California, and the purported claim for punitive  
24 or exemplary damages is therefore barred.

25          25.     AS AND FOR A TWENTY-FIFTH, SEPARATE AND AFFIRMATIVE  
26 DEFENSE TO SAID COMPLAINT, these answering defendants allege that to the extent that  
27  
28



1 plaintiffs' complaint seeks exemplary or punitive damages, is barred by Article VI of the United  
2 States Constitution.

3 26. AS AND FOR A TWENTY-SIXTH, SEPARATE AND AFFIRMATIVE  
4 DEFENSE TO SAID COMPLAINT, these answering defendants allege that it presently has  
5 insufficient knowledge or information on which to form a belief as to whether it may have  
6 additional, yet unstated, affirmative defenses available. These answering defendants reserve the  
7 right to assert additional affirmative defenses.

8 **DEMAND FOR JURY TRIAL**

9 Defendants COUNTY OF ALAMEDA and ALAMEDA COUNTY DEPUTY SHERIFF  
10 JOSHUA MAYFIELD hereby demand a trial by jury in this action under Fed.R.Civ.P. 38 (b) on  
11 all issues so triable, if any issues are so determined by the Court.

12 Dated: July 11, 2023

FENNEMORE WENDEL

13 By: /s/ Marc Brainich

14 William B. Rowell  
15 Thiele R. Dunaway  
16 Marc Brainich  
17 Michele C. Kirrane  
18 Attorneys for Defendants  
19 Alameda County Sheriff's Office and  
20 Alameda County Deputy Sheriff Joshua  
21 Mayfield  
22  
23  
24  
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**CERTIFICATE OF SERVICE**

*Joseph P. CuvIELLO, et al. v. Rowell Ranch Rodeo, Inc., et al.*  
USDC – Northern District of California, Case No. 3:23-cv-01652-VC

I am a citizen of the United States and employed in County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 1111 Broadway, 24th Floor, Oakland, California 94607.

On July 11, 2023, I served true copies of the following document(s) described as **DEFENDANTS COUNTY OF ALAMEDA AND ALAMEDA COUNTY DEPUTY SHERIFF JOSHUA MAYFIELD'S ANSWER TO SECOND VERIFIED AMENDED COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF AND DAMAGES** on the interested parties in this action as follows:

*Please see attached Service List.*

**BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on July 11, 2023, at Oakland, California.

  
\_\_\_\_\_  
Lena S. Mason

**SERVICE LIST**

*Joseph P. CuvIELlo, et al. v. Rowell Ranch Rodeo, Inc., et al.*  
USDC – Northern District of California, Case No. 3:23-cv-01652-VC

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